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6 AND SUPPLEMENTAL LIFE PLAN FOR

EMPLOYEES OF SWISPORT NORTH

7 AMERICA, INC., and SWISSPORT NORTH

8 AMERICA, INC.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11
12 Young-Ah Everson,

13 Plaintiff,

14 vs.

CASE NO. CV 08-3037 JL

ANSWER TO COMPLAINT

15 HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY; GROUP LIFE

16 AND SUPPLEMENTAL LIFE PLAN

FOR EMPLOYEES OF SWISSPORT

17 NORTH AMERICA, INC.; and

SWISPORT NORTH AMERICA, INC.,

18 Defendants.
19

20
21 Defendants GROUP LIFE AND SUPPLEMENTAL LIFE PLAN FOR
22 EMPLOYEES OF SWISPORT NORTH AMERICA, INC. (the "Plan"), and SWISSPORT
23 NORTH AMERICA, INC. ("Swissport"), for themselves alone, and for their answer to the
24 complaint of plaintiff YOUNG-AH EVERSON, admit, deny and allege as set out below.

25 Numbered paragraphs in this answer correspond to the numbered paragraphs in the
26 complaint. Any allegation not specifically admitted or denied is deemed denied.

27 PRELIMINARY ALLEGATIONS

28 1. The allegations of paragraph 1 consist of legal conclusions and

1 characterizations of plaintiff's claims, and not allegations of fact, and so the Plan and
 2 Swissport are not required to admit or deny the allegations of paragraph 1. To the extent
 3 that a response to the allegations of paragraph 1 is required of the Plan or Swissport, then
 4 the Plan and Swissport deny the allegations of paragraph 1.

5 2. Swissport admits that it is a Delaware corporation with its headquarters and
 6 principal place of business located in Dulles, Virginia. Swissport further admits that it is
 7 the administrator for the Plan, and in that regard performs the functions normally
 8 associated with a plan administrator. Except as admitted, the Plan and Swissport deny the
 9 allegations of paragraph 2.

10 3. Swissport and the Plan deny, for lack of information and belief, the
 11 allegations of paragraph 3.

12 4. Swissport and the Plan admit that the Plan is an employee welfare benefit
 13 plan subject to certain requirements of the Employee Retirement Income Security Act of
 14 1974, as amended. Swissport and the Plan further admit that Gary Everson and plaintiff
 15 had and have those rights and obligations set out in the Plan. Swissport and the Plan
 16 further admit that some employees covered by the Plan reside or work in this judicial
 17 district. Except as admitted, Swissport and the Plan deny the allegations of paragraph 4.

18 5. Swissport and the Plan admit that some employees covered by the Plan
 19 reside or work in this judicial district. Except as admitted, Swissport and the Plan deny the
 20 allegations of paragraph 5.

21 FIRST CAUSE OF ACTION

22 6. The Plan and Swissport refer to and incorporate by this reference as though
 23 set forth in full, the allegations, admissions and denials contained in paragraphs 1 through
 24 5, inclusive, above.

25 7. Swissport and the Plan admit that Gary Everson was an employee of
 26 Swissport USA, Inc., and in that capacity was permitted to purchase supplemental life
 27 insurance, and that in applying for supplemental life insurance Gary Everson designated
 28 Young-Ah Everson as the primary beneficiary. Except as admitted, Swissport and the Plan

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1 deny the allegations of paragraph 7.

2 8. Swissport and the Plan admit that Hartford Life and Accident Insurance
3 Company issued to Swissport Policy GL-675356, which policy speaks for itself as far as
4 its terms and coverage. Except as admitted, Swissport and the Plan deny the allegations of
5 paragraph 8.

6 9. Denied.

7 10. Denied.

8 11. Denied for lack of information and belief.

9 12. Denied.

10 13. Denied.

11 14. Denied.

12 15. Denied.

13 16. Denied.

14 17. Denied.

15 18. Denied.

16 19. Denied.

17 AFFIRMATIVE DEFENSES

18 Swissport and the Plan, without in any way admitting the validity of plaintiff's
19 claims, or any of them, allege the following affirmative defenses:

20 First Affirmative Defense

21 The complaint fails to state a claim for relief as against Swissport and the Plan, or
22 either of them.

23 Second Affirmative Defense

24 Plaintiff's claims, if any of them have merit, are, in the first instance, the
25 responsibility of co-defendant Hartford Life and Accident Insurance Company.

26 PRAYER FOR RELIEF

27 Wherefore, the Plan and Swissport each pray for relief as follows:

28 1. That plaintiff take nothing by reason of the complaint, and that the complaint

1 be dismissed with prejudice in its entirety and judgment entered in favor of the Plan and
2 Swissport.

3 2. For attorney's fees and costs of suit incurred in defending this action.

4 3. For such other and further relief as the Court deems appropriate.

5
6 DATED: July 23, 2008

RODI POLLOCK PETTKER CHRISTIAN
& PRAMOV, A Law Corporation

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8
9 By: 

PATRICK J. CAIN

10 Attorneys for Defendants GROUP LIFE
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13 AMERICA, INC., and SWISSPORT
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 444 South Flower Street, Suite 1700, Los Angeles, California 90071-2901.

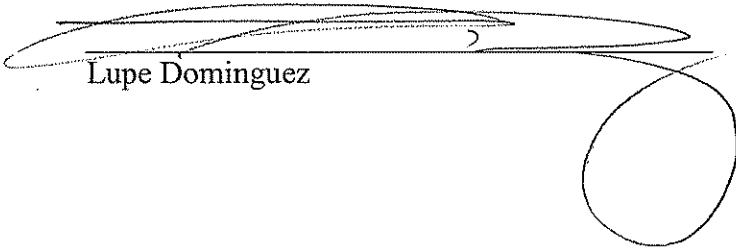
On July__, 2008, I served the following document(s) described as **ANSWER TO COMPLAINT** on the interested parties in this action as follows:

Alan E. Kassan, Esq.
E-Mail: akassan@kantorlaw.net
Peter S. Sessions, Esq.
E-Mail: psessions@kantorlaw.net
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BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Rodi Pollock Pettker Christian & Pramov's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July__, 2008, at Los Angeles, California.


Lupe Dominguez

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